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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 BARTLEY DAMIEN LEE,

10 Petitioner,

11 vs.

12 JACK PALMER, et al.,

13 Respondents.
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Case No. 3:10-CV-00355-ECR-(VPC)

ORDER

15 Petitioner has submitted an amended petition (#10). The court has reviewed it
16 pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts.
17 The court will dismiss one ground because it is without merit on its face, and the court will direct
18 respondents to file a response to the remaining parts of the amended petition (#10).

19 In ground 3, petitioner alleges that in his state post-conviction habeas corpus
20 proceedings, the district court agreed to a stipulation, regarding the filing of a notice of appeal from
21 the judgment of conviction, that it knew was illegal. “[A] petition alleging errors in the state
22 post-conviction review process is not addressable through habeas corpus proceedings.” Franzen v.
23 Brinkman, 877 F.2d 26, 26 (9th Cir. 1989); see also Gerlaugh v. Stewart, 129 F.3d 1027, 1045 (9th
24 Cir. 1997). Ground 3 is without merit on its face, and the court dismisses it.


25 IT IS THEREFORE ORDERED that ground 3 of the amended petition (#10) is
26 **DISMISSED.**

27 IT IS FURTHER ORDERED that respondents shall have forty-five (45) days from
28 the date of entry of this order to answer or otherwise respond to the amended petition (#10). If

1 respondents file and serve an answer, then they shall comply with Rule 5 of the Rules Governing
2 Section 2254 Cases in the United States District Courts, and then petitioner shall have forty-five
3 (45) days from the date on which the answer is served to file a reply.

4 IT IS FURTHER ORDERED that henceforth, petitioner shall serve upon respondents
5 or, if appearance has been entered by counsel, upon the attorney(s), a copy of every pleading,
6 motion or other document submitted for consideration by the court. Petitioner shall include with the
7 original paper submitted for filing a certificate stating the date that a true and correct copy of the
8 document was mailed to the respondents or counsel for the respondents. The court may disregard
9 any paper received by a district judge or magistrate judge that has not been filed with the clerk, and
10 any paper received by a district judge, magistrate judge, or the clerk that fails to include a certificate
11 of service.

12 DATED: October 28, 2010

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15 EDWARD C. REED
16 United States District Judge
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